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January 9, 2007

**VIA ELECTRONIC FILING**

The Honorable Gregory M. Sleet  
U.S. District Court  
District of Delaware  
844 King Street  
Lockbox 19  
Wilmington, Delaware 19801

**Re: Textron Innovations Inc. v. The Toro Company**  
**C. A. No. 05-486 (GMS)**

Dear Judge Sleet:

In anticipation of the status teleconference scheduled for January 11, 2007 at 9:30 a.m. in the above-referenced matter, the parties jointly submit the following items to be presented to the Court:

**Defendant's Issue:**

- Plaintiff's failure to facilitate the inspection of the Johnson Creek facility per Court's 11/9/06 Order;
- Plaintiff's failure to identify the source(s), per Court's 11/9/06 Order, of specific prior art produced by Textron;
- Plaintiff's incomplete answer of Interrogatory No. 11 regarding theory of damages;
- Plaintiff's failure to produce certain documents concerning engineering prints, warranty information, Risboro and emails of key employees and former employees; and
- Daubert schedule

The Honorable Gregory M. Sleet  
January 9, 2007  
Page 2

**Plaintiff's Issues:**

- Toro documents relating to sales and financial issues, including: documents responsive to TII's second set of document requests, documents pertaining to sales of replacement parts and accessories for accused products, and documents relating to direct sales of accused products;
- Rule 30(b)(6) deposition of Toro relating to sales and financial issues; and
- Documents relating to Toro's responses to requests for proposals (RFPs) for accused products.

Respectfully,

*/s/ David E. Moore*

David E. Moore

DEM:nmt/770893/29362

cc: Clerk of the Court (via hand delivery)  
Counsel of Record (via electronic mail)